

3634

#21



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of: Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed : April 11, 1997

Examiner: Chin Shue, A

Atty. Doc. No.: 515-001

For: PORTABLE TREESTAND WITH A RECLINING AND RETRACTABLE  
SEAT

RECEIVED

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

JUN 15 2001

TRANSMITTAL

TO 3600 MAIL ROOM

S I R:

Submitted herewith is:

1. Request for Reconsideration of the Decision  
Dated May 24, 2001 on Applicant's Petition  
to Revive Improperly Abandoned Application;
2. Declaration Attesting to Mailing of Patent RECEIVED  
Office Correspondence under 37 C.F.R. §  
1.8(a) and Non-Receipt of Further Patent JUN 18 2001  
Office Correspondence;
3. Copy of Decision Dated May 24, 2001 on OFFICE OF PETITIONS  
Applicant's Petition to Revive Improperly  
Abandoned Application; and
4. Copy of Notice of Abandonment.

Respectfully submitted,

  
\_\_\_\_\_  
David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

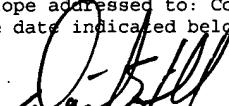
Date: June 7, 2001

CERTIFICATE UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service  
as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks,  
Washington, D.C. 20231, on the date indicated below.

David M. Hill

(Name)

  
(Signature)

46,170

(Reg. No.)

06/07/01

(Date)



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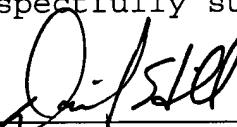
TO 3600 MAIL ROOM

REQUEST FOR RECONSIDERATION OF THE DECISION DATED MAY  
24, 2001 ON APPLICANT'S PETITION TO REVIVE IMPROPERLY  
ABANDONED APPLICATION

S I R:

It is respectfully requested that the May 24, 2001 decision dismissing the petition to revive the above-referenced application, which was improperly abandoned by the Patent and Trademark Office pursuant to a Notice of Abandonment dated February 26, 2001, be reconsidered and the application revived for the reasons stated in the attached Declaration by the undersigned attorney. It is believed that no fee is required as the abandonment was not the result of any error by the Applicant.

Respectfully submitted,

  
\_\_\_\_\_  
David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

Date: June 7, 2001

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

CAB

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/843,162	04/11/97	MANN	515-001

PM82/0226

EXAMINER

WARD & OLIVE  
708 THIRD AVENUE  
NEW YORK NY 10017

CHIN SHUE, A

ART UNIT

PAPER NUMBER

3634

18

DATE MAILED: 02/26/01

**NOTICE OF ABANDONMENT****RECEIVED**

JUN 18 2001

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on 7. 24. 00

A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on **OFFICE OF PETITIONS** \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_\_.

A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.

The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.

The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.

No proposed new formal drawings have been received.

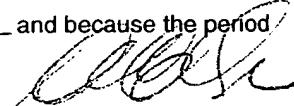
The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

  
**Alvin Chin-Shue  
Primary Examiner**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov  
AM 05-01

WARD & OLIVE  
708 THIRD AVENUE  
NEW YORK, NY 10017

In re Application of

Mann Application No. 08/843,162

Filed: April 11, 1997

For: PORTABLE TREESTAND WITH A  
RECLINING AND RETRACTABLE SEAT

This is a decision on the petition filed March 8, 2001 under 37 CFR 1.181 requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTH** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned August 25, 2000. The application was abandoned for failure to timely respond to the non-final Office action mailed July 24, 2000. The non-final Office action set a one (1) period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were requested. Notice of abandonment was mailed February 26, 2001.

Petitioner asserts non-receipt of the July 24, 2000 Office action and requests that the holding of abandonment be withdrawn.

Petitioner has provided no evidence to support the assertion of non-receipt of the Office action. The instant petition is not supported by documentary evidence to overcome the presumption that the communication was properly mailed to the applicant at the correspondence address of record. The standard for overcoming the presumption of receipt of an Office communication is set forth in Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971). Petitioner's attention is also directed to MPEP 711.03(c) for further guidance on this matter.

Should petitioner wish to have the holding of abandonment reconsidered, a thorough explanation supported by documentary evidence consistent with the guidelines set forth under Delgar v.

Paper No. 20

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OFFICE OF PETITIONS  
PETITION A/C PATENTS

Schuylar, supra, and MPEP 711.03(c) must be submitted.

Petitioner is advised that should the petition to withdraw the holding of abandonment be granted upon renewed petition, the Office action of July 24, 2000 will be remailed and a new period of time for reply instated.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Commissioner for Patents  
                     Box DAC  
                     Washington, DC 20231

**RECEIVED**

JUN 18 2001

By facsimile: (703) 308-6916

**OFFICE OF PETITIONS**

By hand:           Office of Petitions  
                     2201 South Clark Place  
                     Crystal Plaza 4, Suite 03C23  
                     Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

*Beverly M. Flanagan*  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy